

MICHAEL A. CARDOZO
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

CARRIE NOTEBOOM
Phone: 212-788-0771
Fax: 212-788-1619
E-mail: cnoteboo@law.nyc.gov

December 5, 2012

VIA E-MAIL

The Honorable Paul A. Crotty
U.S. District Court, Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312
CrottyNYSDChambers@nysd.uscourts.gov, Marlon_Ovalles@nysd.uscourts.gov

✓ SO ORDERED: 12-6-12
Paul A. Crotty
HON. PAUL A. CROTTY
UNITED STATES DISTRICT JUDGE

Re: Residents for Sane Trash Solutions v. U.S. Army Corps of Engineers, 12-cv-8456 (PAC), and Kellner v. U.S. Army Corps of Engineers, 12-cv-8458 (PAC)

Dear Judge Crotty:

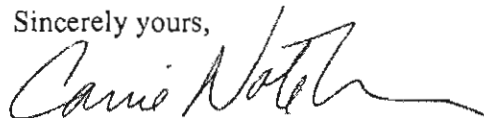
✓ I am an Assistant Corporation Counsel in the Office of Michael A. Cardozo, Corporation Counsel for the City of New York, representing Defendants the City of New York, the New York City Department of Sanitation ("DSNY"), and the New York City Department of Design and Construction ("DDC") (collectively, "the City") in the above captioned related matters, both of which have been assigned to Your Honor. The City was served with complaints in both actions on November 20, 2012. Pursuant to Rule 12 of the Federal Rules of Civil Procedure, the City must answer or otherwise move with respect to the complaints by December 11, 2012. I write to respectfully request that the City's time to answer be extended to January 22, 2013, representing 60 days from the date of service of the complaints.

These cases both concern the decision of the United States Army Corps of Engineers to issue a permit to the City under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act for activities necessary for construction of a DSNY-owned waste transfer facility at East 91st Street and the East River in Manhattan, known as the East 91st Street Marine Transfer Station ("MTS"). Pursuant to Rule 12(a)(2) of the FRCP, Defendant United States Army Corps of Engineers has 60 days as of right to answer the complaints. The requested extension would make the City's answer due on the same time frame as the Army Corps' answer.

MEMO ENDORSED

This is the City's first request for an extension of time to answer. Plaintiffs' counsel in both cases have graciously consented to this request, as has counsel for Defendant United States Army Corps of Engineers.

Sincerely yours,



Carrie Noteboom (CN 7173)
Assistant Corporation Counsel

cc: **VIA E-MAIL & REGULAR MAIL**

Charles C. Platt
Michale D. Gottesman
Jennifer Rimm
Wilmer Cutler Pickering Hale and Dorr LLP
Counsel for the Plaintiffs Residents for Sane Trash Solutions, et al.
7 World Trade Center
250 Greenwich Street
New York, NY 10007
charles.platt@wilmerhale.com

Albert K. Butzel
Albert K. Butzel Law Offices
Counsel for the Plaintiffs Residents for Sane Trash Solutions, et al.
249 West 34th Street, Suite 400
New York, NY 10001
akbutzel@gmail.com

Jeffrey L. Braun
Karen L. Mintzer
Kerri B. Folb
Kramer Levin Naftalis & Frankel LLP
Counsel for Plaintiffs Micah Z. Kellner, et al.
1177 Avenue of the Americas
New York, NY 10036
jbrown@kramerlevin.com

Christopher Connolly
Assistant United States Attorney
Southern District of New York
Counsel for Defendant United States Army Corps of Engineers
86 Chambers Street
New York, NY 10007
christopher.connolly@usdoj.gov